

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

METROPOLITAN TRANSPORTATION AUTHORITY
and TRIBOROUGH BRIDGE AND TUNNEL
AUTHORITY,

Plaintiffs,

and

NEW YORK STATE DEPARTMENT OF
TRANSPORTATION, RIDERS ALLIANCE, SIERRA
CLUB, and NEW YORK CITY DEPARTMENT OF
TRANSPORTATION,

Intervenor-Plaintiffs,

v.

SEAN DUFFY, in his official capacity as Secretary of
the United States Department of Transportation,
GLORIA M. SHEPHERD, in her official capacity as
Executive Director of the Federal Highway
Administration, UNITED STATES DEPARTMENT
OF TRANSPORTATION, and FEDERAL HIGHWAY
ADMINISTRATION,

Defendants.

Case No. 25 Civ. 1413 (LJL)

**DECLARATION OF D. BRANDON TRICE IN SUPPORT OF
PLAINTIFFS THE METROPOLITAN TRANSPORTATION AUTHORITY AND
TRIBOROUGH BRIDGE AND TUNNEL AUTHORITY AND INTERVENOR-
PLAINTIFF NEW YORK CITY DEPARTMENT OF TRANSPORTATION'S
MOTION FOR A PRELIMINARY INJUNCTION**

I, D. Brandon Trice, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a member of the bar of the State of New York and am admitted to appear before this Court. I am a partner in the law firm Kaplan Martin LLP, counsel for Plaintiffs the

Metropolitan Transportation Authority (“MTA”) and Triborough Bridge and Tunnel Authority (“TBTA”) in the above-captioned action.

2. I respectfully submit this declaration in support of Plaintiffs and Intervenor-Plaintiff New York City Department of Transportation’s (“NYCDOT”) motion for a preliminary injunction.

3. Attached hereto as **Exhibit 1** is true and correct copy of the Value Pricing Pilot Program Agreement signed by the Federal Highway Administration (“FHWA”), TBTA, the New York State Department of Transportation (“NYSDOT”), and NYCDOT on November 21, 2024.

4. Attached hereto as **Exhibit 2** is a true and correct copy of then-candidate Donald Trump’s May 24, 2024 Truth Social post.

5. Attached hereto as **Exhibit 3** is a true and correct copy of Representative Nicole Malliotakis’s January 11, 2025 X post.

6. Attached hereto as **Exhibit 4** is a true and correct copy of President Trump’s February 19, 2025 X post.

7. Attached hereto as **Exhibit 5** is true and correct copy of the February 19, 2025 letter from Defendant Sean Duffy (“Duffy”) to Governor Kathy Hochul.

8. Attached hereto as **Exhibit 6** is a true and correct copy of the February 20, 2025 letter from Defendant Gloria Shepherd (“Shepherd”) addressed to TBTA, NYSDOT, and NYCDOT (collectively, the “Project Sponsors”).

9. Attached hereto as **Exhibit 7** is a true and correct copy of Duffy’s March 20, 2025 X post.

10. Attached hereto as **Exhibit 8** is a true and correct copy of the March 20, 2025 letter from Shepherd to the Project Sponsors.

11. Attached hereto as **Exhibit 9** is a true and correct copy of the April 8, 2025 X post by the U.S. Department of Transportation.

12. Attached hereto as **Exhibit 10** is a true and correct copy of the April 21, 2025 letter from Duffy to Governor Kathy Hochul.

Dated: New York, New York
May 5, 2025

/s/ D. Brandon Trice
D. Brandon Trice